

Remarks

Upon entry of the above amendment, claims 21-31 will be pending in the present application. Applicant has canceled claims 1-20 without prejudice to the subject matter therein. Applicant has canceled the claims to provide clarity to what Applicant claims as his invention. Original claims 1-20 and the specification provide support for the new claims. No issue of new matter has been raised.

Restriction/Election

The Examiner has set forth a restriction requirement. Group I is claims 1-8 and 18-20, drawn to a product comprising DPP-IV inhibitor of formula (I) and a PPAR α compound. Group II is claims 9-11 and 16-17, drawn to a method of treatment comprising administering the product of Group I.

Applicant elects Group (I), claims 21-28, without traverse. Applicant notes that the Group II is clearly associated with Group I and when allowable subject matter has been indicated, Applicant will request that the method of treatment claims be rejoined and examined. Applicant will withdraw claims 29-31 in a subsequent response, if needed.

Applicant elects the following species.

DPP-IV - (S)-1-[(3-hydroxy-1-adamantyl)amino]acetyl-2-cyano-pyrrolidine; and

PPAR α – micronized fenofibrate.

Applicant respectfully requests that Examiner move beyond the elected species, if no prior art is found as required by U.S. patent rules.

Conclusion

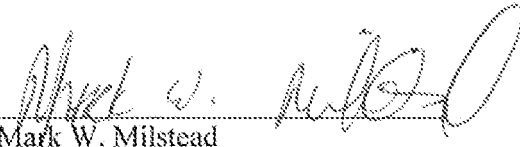
Applicant has addressed each and every issue set forth by the Examiner. Applicant respectfully submits that the present application is in good condition for allowance.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (617) 871-4125.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 19-0134 for any additional fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly extension of time fees.

Respectfully submitted,

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